

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 2, 2001, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Russ Bayer, Jon Carlson, Steve Duvall, Linda Hunter, Gerry Krieser, Patte Newman, Greg Schwinn, Cecil Steward and Tommy Taylor; Kathleen Sellman, Ray Hill, Jennifer Dam, Jason Reynolds, Kay Liang, Becky Horner, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Russ Bayer called the meeting to order and requested a motion approving the minutes for the meeting held April 18, 2001. Jean Walker requested to amend page 12 to reflect the correct Planning Staff recommendation for Special Permit No. 1909 from "conditional approval" to "denial". Schwinn moved to approve the minutes as amended, seconded by Newman and carried 7-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn and Steward voting 'yes'; Hunter and Taylor absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor; Hunter absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3322, CHANGE OF ZONE NO. 3319, SPECIAL PERMIT NO. 1386B, USE PERMIT NO. 137, SPECIAL PERMIT NO. 1161A, SPECIAL PERMIT NO. 1322F, SPECIAL PERMIT NO. 1887, SPECIAL PERMIT NO. 1906, SPECIAL PERMIT NO. 1912 AND WAIVER OF DESIGN STANDARDS NO. 01002.**

Steward moved to approve the Consent Agenda, seconded by Schwinn and carried 8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent.

Note: This is final action on Special Permit No. 1161A, Special Permit No. 1322F and Special Permit No. 1906, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 1808A
AMENDMENT TO THE FALLBROOK COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT NO. 1ST STREET & FALLBROOK BLVD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval, but denial of the waiver of sidewalks on one side of the street.

Proponents

1. **Kent Seacrest** appeared on behalf of **Nebco, Inc.**, the property owner for the Fallbrook development. This project was brought forward on a big scale and this is refinement of some parts, including the single family “new urbanism” area, modifying some setbacks, as well as the townhome area. The applicant had originally requested waivers of one of the two sidewalks required in the townhome area—the thought was that it would be prudent and reasonable because of low traffic, but after staff raised concerns from the standpoint of public health and safety, this applicant withdraws the request to waive the sidewalks on one side of the street in the townhome area because the developer would not want to be accused of putting anyone in danger.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Carlson moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn and carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting ‘yes’.

SPECIAL PERMIT NO. 1908
TO ALLOW STORAGE OF VEHICLES
WITHIN THE REQUIRED SETBACK,
ON PROPERTY GENERALLY LOCATED
AT NORTH 27TH STREET AND WILDCAT DRIVE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval, but denial of the waiver to allow vehicles to be displayed on raised platforms.

Proponents

1. Rob Otte appeared on behalf of **Anderson Ford**, the applicant. This application is for the new Anderson Ford being developed at the corner of I-80 and No. 27th Street. The application asks for storage of vehicles for sale in a parking area. The ordinance requires a special permit if you are going to place inventory in the front yard, and Otte believes that the Commission routinely looks at those special permits for car dealers. This same area could be used for customer parking or for driveway lanes, etc.

Otte went on to state that in developing the whole High Pointe area, the developer has enhanced the landscaping from what would have been originally required. They have discussed enhanced landscaping with the staff for the purposes of allowing this special permit. Along the I-80 corridor, the developer has been sensitive to what might happen and has agreed to reduce the encroachment into the 30' setback so that there will be 30' of green space and they have pulled the building line back. Kim Todd did the enhanced landscape plan for High Pointe. Otte stated that a lot of the inconsistencies in the staff report are dealt with in Kim Todd's plan. Otte then displayed the landscape plan. The developer has been sensitive to the wetland area to the north.

Otte further clarified that this application pertains to the setbacks along the front of the building (on Wildcat Drive). The developer has agreed to increased landscaping and agrees with the conditions of approval in the staff report, with the following exceptions:

Condition #1.1.6 requires that the "vehicle display pad" designation be removed from the site plan. Otte acknowledged that this condition may have come about due to an inadequate explanation of what the applicant is attempting to do. The display pads are only raised 6 inches—they are not "built-up" display pads. There are a couple of areas along Wildcat Drive where there are display pads with angle parking. It will only be a 6 inch high curb. Otte requested that Condition #1.1.6 be deleted.

Condition #1.1.7 requires that a note be added to indicate that neither the hood or trunk of a car can be left open on the vehicles displayed....in the front or rear yard except when the vehicle is inspected by a customer or being serviced. Otte appreciates that no one likes a junky site but Otte urged that we need to leave it to the automobile dealers to do the marketing as they see fit. When the city is catering to and has asked the big dealers to set up in these areas, it makes sense to leave their business alone knowing that they will do it tastefully. Roger Anderson will have more than 8 million dollars in this site and he is not going to do something distasteful. Otte requested that Condition #1.1.7 be deleted.

Condition #1.1.8 requires that a note be added indicating that used cars will not be displayed in the rear yard area adjacent to the outlot containing a wetland. This developer has spent lots of time and money to be sensitive to the environmental issues. Otte suggested that there is no data that says that parking these cars 50 feet closer or not is going to make any difference whatsoever, especially when you consider the types and kinds of cars that will be on this lot—Anderson Ford will not be displaying old leaky, junky cars. This is a new car auto dealership. Otte requested that Condition #1.1.8 be deleted.

With regard to Condition #1.1.8, Otte further noted that the developer has worked with the staff to say that they will provide a 15' strip as green space if they can park the inventory back behind that. We could have put employee parking or driving lanes right up to that property line. This applicant wants the inventory to be along the front yard and he is happy to add some landscape and screening.

Steward inquired whether the applicant has installed or intends to install any special stormwater protection device for the wetland. Otte responded that there is a detention cell before the water enters the wetlands area. Scott Osterhaus, Olsson Associates, explained that the preliminary plat showed a detention structure to the east and north of the Anderson building for all of the drainage from the Anderson lot. It was developed as a stormwater detention cell. This detention cell will clean up the water before it gets into the wetland area. Steward wondered how oil and residue from the automobiles would be separated. Osterhaus stated that as the water gets into the cell, the cell will fill up with water and the residue will settle to the top. The pure water would be at the bottom, where there is a drain outlet from the cell. Over time, that will drain down and the residue remains in the bottom of the cell after the water level drops.

There was no testimony in opposition.

Jennifer Dam of Planning staff stated that the staff would disagree with the requests to delete Conditions #1.1.6, #1.1.7 and #1.1.8. With regard to the waiver of parking lot design standards to allow the vehicle display pads, Dam explained that the special permit was

designed to allow cars to be displayed in areas where parking would be allowed. The staff has not received anything from the applicant on the details of the vehicle display pad. We don't know what it will look like. Without justification for the request, the staff continues to recommend denial of this waiver.

With regard to Condition #1.1.7 regarding the opening of the hood and trunk, Dam explained that this is a standard condition that has been added to all of the special permits for the display of vehicles for sale by special permit. She researched the previous special permits to make sure that this is consistent. There were two previously permitted with this condition. Signs and balloons are a sign issue; are not allowed under the sign ordinance; and are not applicable to this special permit.

With regard to the wetlands, Dam advised that Nicole Fleck-Tooze of the Public Works Department is comfortable with the wetlands issue. She would prefer new cars because of the concern about any waste that might drop from used cars. Used cars could be parked in an area that is outside of the required yard.

Steward suggested that Condition #1.1.6 could be amended such that the vehicle display pad could not be higher than six inches and integral to the concrete surfacing. Dam suggested that if the Commission so desires to make that amendment, then the staff recommendation needs to be amended accordingly to approve the waiver.

Taylor understands that nothing would be added to the 6" raised concrete pad. Dam could not answer that question because the specific information has not been submitted for review.

Steward asked staff to comment on the technicality of the detention system and whether or not it will adequately protect from oil, residue and toxics that would otherwise damage that wetlands area. Is it engineered appropriately? Buff Baker of Public Works did not specifically review this application, but there are no instances in recent history where we have been close to wetlands with used car storage and parking. He believes that if there is additional place on the site for the used cars it would be better not to take that chance.

Response by the Applicant

Otte reiterated that maybe the applicant did not show enough specificity in the design of the vehicle display pads. He would accept 6" as part of the conditions. They are not interested in adding anything else.

With regard to the standard condition about hoods not being open, Otte appreciates that there are two other instances where this was made a condition, but both of those applied to Anderson Ford on "O" Street and on Cornhusker Hwy. Those are dramatically different than what we are talking about here. Otte urged that at some point we have to trust that someone who comes in with this kind of project will do what is right.

With regard to the wetlands, Otte stated that they could re-engineer this whole site to work around some small drops on the concrete, but there are drains all over this. We just don't think there is any empirical evidence that would suggest there is going to be any kind of problem, plus the applicant has the obligation to maintain the wetlands and the integrity of the wetlands. We will not put anything on the lot that is going to cause any problems to the wetlands.

Carlson asked whether there are specific drawings to detail the pads. Otte did not know how to detail it except to say that there is a pad that is a 6" raised pad because there is a light pole and an electrical panel there. There is a concrete asphalt pad there and all we are saying is that we are going to park a car on there. He is not sure anyone will notice the difference in car top height. Carlson thought they should have submitted a design to justify the waiver.

Bayer inquired whether the parking lot is engineered or sloped so all run-off will go to the internal drain system, or will some run off the property? Otte stated that all of it will go into the detention cell. Bayer then pondered the explosion of a radiator in the used care area--what way will the water go? Roger Anderson stated that he has never had a radiator blow up. He has been a new car dealer in Lincoln since 1993 and he does have two other dealerships. He deals in new vehicles and late model used vehicles. He buys a lot of program cars that might be one year old with 10,000 miles with new car warranties. We just don't deal in the 10-12-14 year old cars. As far as the drainage, Anderson has been involved in the design and he assured that all of the drainage will go into the detention cell. If a radiator explodes, it will go into the drain system. Most of the used cars will be contained on the east side of the lot. It is continuously curved to run into the pond.

Carlson inquired whether the denial of a waiver by the Planning Commission requires a super-majority vote of the Council to override. Rick Peo of the City Law Department advised that it does not.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Steward moved to approve the Planning staff recommendation of conditional approval, with amendment to Condition #1.1.6 to read: "No vehicle display pad may exist that is higher than 6" and not of concrete material, to the satisfaction of the Planning Department", seconded by Duvall.

Carlson's preference would be to move the permit forward without the waiver; let them request the waiver at Council and bring in the appropriate design for the waiver request.

Schwinn moved to amend to delete Condition #1.1.8, seconded by Duvall. Schwinn commented that in looking at the operation that Anderson runs now and the drainage issue,

he does not think it is the Planning Commission's position to decide where they are going to put the new and used cars. You never know how much they have at one time. He does not think it is appropriate.

Steward stated that he will vote against the amendment. He does not think we've ever approved a car lot operation adjacent to a wetland. This is for the better good and protection of the wetland. He does not disagree that Anderson runs an exquisite operation, but Anderson has the capability of selling this and we have no guarantee that it will stay in the hands of any one particular owner as long as these wetlands are there, and they should be there forever.

Bayer stated that he will support the amendment. No matter where the cars are parked on the lot, the drainage could still get into the wetlands. The issue is whether the detention is adequate and it sounds like it is.

Motion to delete Condition #1.1.8 failed 4-5: Duvall, Schwinn, Krieser and Bayer voting 'yes'; Taylor, Newman, Carlson, Steward and Hunter voting 'no'.

Motion for conditional approval, with amendment to Condition #1.1.6, carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'.

SPECIAL PERMIT NO. 1219J,
FOR A HOSPITAL/MEDICAL OFFICE ADDITION AND
PARKING STRUCTURE AT THE BRYANLGH EAST
CAMPUS AT SOUTH 48TH AND SUMNER STREETS;
SPECIAL PERMIT NO. 1020G,
FOR A HOSPITAL/MEDICAL OFFICE TOWER, PARKING
STRUCTURE AND INDEPENDENCE CENTER
AT THE BRYANLGH WEST CAMPUS
AT SOUTH 16TH STREET AND SOUTH STREET;
and
STREET VACATION NO. 01007
TO VACATE A PORTION OF SOUTH 16TH STREET
FROM THE NORTH LINE OF LAKE STREET TO THE
SOUTH LINE OF THE PREVIOUSLY VACATED
SOUTH 16TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval of the special permits, and a finding of conformance with the Comprehensive Plan with conditions of approval on the street vacation.

Proponents

1. Bill Lewis, legal counsel for Bryan LGH, requested 30 minutes for this presentation. These applications seek two variances in building coverage relating to both the east and the west campus; on the west the requested variance is from 35 to 37 percent, and on the east the request is from 35 to 38.2 percent, including the canopies. These requests have received approval from Planning staff.

Lewis noted that both applications contain a condition for a right turn lane (Condition #1.1.7). The right turn lane requirement on the east campus (SP.1219J) poses some potential difficulties. It is on Sumner Street and it crosses over a driveway which is the entrance and exit to a parking lot for the emergency room that is on Sumner Street, with an existing sign that says “no right turn on red” already. There is a right turn lane on 48th at Cotner Blvd. and the applicant questions the design and development of the right turn lane in Sumner Street east of So. 48th Street.

On the west campus (SP.1020G), Lewis advised that there is an even bigger concern because the hospital does not own the property upon which the right turn lane is being requested. It is owned by Sun Mart. There appears to be parking along that area with a sign on the corner. The hospital would have concerns about designing something on someone else’s property.

Lewis requested that Condition #1.1.7 be deleted on both special permit applications.

Lewis then requested that Condition #1.1.1 on both special permits be moved from “Site Specific” to “General” so that the approval process is not delayed. The city would still be in control as far as the final design.

2. Lynn Wilson, President and CEO of Bryan LGH Health System, testified in support. This is the third phase of three years of work since the merger took place in 1997. The first phase started about three years ago and our purpose at that time was to get together the staff to determine how the merger should take place. They truly wanted to merge the hospitals as one hospital at two locations and consolidate services. In order to do that, we needed a lot of help from our medical community and staff. We spent a year determining how to consolidate services and once that was determined, we hired a design firm to work with our local architectural firm to help us develop what should go where based upon architectural considerations, etc. During the past few months the hospital has been in phase two—to decide how the design should go forward. These proposals represent the last part of that phase. This consolidation will have a long lasting and positive effect on the health care of this

community. This will provide a lot of efficiency and keep the costs low.

Wilson noted that the west campus (LGH) has not been renovated for 37 years and the building is in dire need of being updated and repaired.

3. Wynn Mehlhaff, principal with Davis Design and lead architect on this project, reviewed the site plans for both campuses. He explained the changes to the east campus, including repositioning the drive on the existing building and creating a new entrance bringing it out from underneath the existing tower. The parking structure is proposed at three levels but expandable an additional two levels in the future to help address continuing utilization and parking needs. This proposal provides parking beyond the requirements.

Mehlhaff also showed site elevations and cross-sections dealing with the height and setback requirements.

The landscape plan adds screening along 48th Street at strategic locations to do a quality addition to that area including both trees and shrubs to add to the existing screen. The areas adjacent to the construction would be reestablished of plant materials that have been disturbed or relocated during the process. Bryan LGH has made a commitment to meet and exceed the screening requirements, particularly with berming and plant materials along Cotner and 48th adjacent to the new parking structure.

Steward posed a speculative question which does not pertain to this approval, but in the past there has been sensitivity to expansion in this neighborhood, but it is not unreasonable to imagine that with Lincoln's growth rate there is going to be more expansion. Are there discussions that the Commission should be aware of that relate to the neighborhood relationship in the future? Mehlhaff stated that the hospital has continued to meet with the neighborhood group. Wilson stated that the hospital has support of the neighbors on both of these projects and they have worked hard to work with them and have listened to them. We gained credibility with our surface level parking. We have had a lot of discussion about our future and we are very sensitive to the fact that we are landlocked on both campuses. However, we can add capacity to both buildings without building new structures. We are trying to look at ways to be efficient and cost-effective. This project adds 80 beds and could add 50+ beds in the future on the east. And if we converted administrative space on the west campus, that is another 140 beds. This project should take us somewhat into the future. We have also looked at what we can take off campus such as our employment center. We can also take our building services off campus.

Mehlhaff then proceeded to review the site plan for the west campus (SP.1020G). The initial major element is to first create and address the parking issue. The first project would be the parking structure of in excess of 1300 stalls. The initial plan to do four levels only, but with buildout to support additional medical office space. There will be a new fully built-out medical

office building of seven floors, with four in the initial stage. A major pedestrian thoroughfare will be developed across the north side of the existing hospital to connect the new medical office and the existing hospital and physicians office building, with visitor, patient and family amenities. There will be a two-level addition to the south for an expanded trauma center with the mental health unit on the second level which will house adult units and a child adolescent unit, which is currently housed in the patient tower. The other area to the south includes a newly designed two-story independence/substance abuse center. The bulk of the existing surface parking would be redeveloped to meet the needs for the site for parking. There will be a 3500 sq. ft. addition to the south, which is the radiology/oncology entrance, allowing the medical and radiation oncology center to bring all the services to patients at one location.

Mehlhoff also displayed elevations, showing compliance with setback requirements, and he also displayed the landscape plan.

The hospital met with representatives of the Irvingdale Neighborhood Association and several interested citizens to work through screening issues, particularly with the parking structure. They are proposing to add another layer of appropriate plant materials to better screen the area in order to address headlights. In working with the neighbors, the hospital is also proposing to install larger plant materials. There are significant cars that are already screened, but the plan is to do additional screening to those areas, with new screening in areas that are not lots and with significant additional screening that was not previously done along Lake Street. It will be completely screened whether there is existing parking or not.

Lewis then explained the request to vacate the stub piece of 16th Street (SAV.01007). This is being brought forward because at the time that 16th Street was vacated in that area, the city did not own the property adjoining a stub portion of that street on the west. BryanLGH has now acquired that piece of property and is now requesting the vacation of that piece of stub street of 16th Street that borders on Lake Street.

Lewis stated that the applicant's traffic study reveals that the traffic generated from these projects can be accommodated by the existing street network with few impacts. No roadway improvements are being recommended. However, Carlson noted that the staff report refers to a significant drop in service at some of the intersections. Buff Baker of Public Works advised that the city's own traffic studies show those drops in level of service and thus is requiring the right turn lanes (Condition #1.1.7). The city staff is requiring the right turn lanes because of the stacking requirements at both locations.

Carlson was not sure how to proceed with the two traffic studies coming to different conclusions.

Schwinn stated that he has specific concerns about the right turn lane on South Street being on property that is not owned by the applicant (SP.1020G). Within the last couple months the

Commission has had discussion about putting in right turn lanes where there are already openings into major areas, specifically 70th on "O" Street at HyVee. It seems that we are asking them to do something that is not particularly safe at that location. Baker suggested that the right turn lane attempts to get traffic to flow out of this area, especially in the 16th Street location, to keep the same level of service on 16th Street.

With regard to the right turn lane on Sumner, Schwinn believes that most of the traffic we are dealing with will all be impacted on 48th and Cotner. Baker believes the traffic flows coming from the existing parking structures to the east add higher numbers on Sumner. We will be increasing traffic volumes around that direction because of the parking structures and what we are losing in surface parking. There will be more flows coming from that direction. We are losing level of service for the traffic on the street.

Ray Hill of Planning staff confirmed that the applicant's traffic study was submitted and reviewed by staff. Rick Peo of the City Law Department pointed out the memo from Dennis Bartels dated April 24th refers to the applicant's traffic study.

Steward suggested that the traffic issues are moot if Public Works has determined that there is an impact, and Public Works has acknowledged a process for dealing with that impact by requiring the right turn lanes. And the owners report said there was less impact, so the action by staff would recognize the greater impact.

Public Comments

1. **Gary Young** appeared on behalf of **Edwin Farber** in support of the development; however, Mr. Farber, who owns property at 15th and South Street, is concerned about ingress and egress during construction. This is the corner on the west campus where the Williams Cleaners building and H&R Block Center is located. Mr. Farber also supports the staff recommendation that the right turn lane be extended from 16th Street all the way to 17th Street.

2. **Fr. John Sullivan, Blessed Sacrament Church**, at the corner of 17th & Lake, testified with concerns about traffic. Any kind of increase in traffic flow will increase the traffic on Lake. Lake Street from the east down to 17th Street is a long hill, and currently the Blessed Sacrament school children have a drop-off site, but even with the drop-off, Fr. Sullivan believes the children are in danger because of the high traffic on Lake Street. In the past, they have requested a cross-walk at 18th and Lake which has been denied. They have also requested a traffic light at the corner of 17th & Lake instead of simply a crosswalk signal. We need a full-fledged traffic light at that intersection. The City bus traffic and the non-public utility transportation tend to use Lake as a cutoff from Sheridan over to 17th Street and the traffic comes faster than 25 mph. The school has 230 children, grades K-8.

Staff questions

Bayer asked why the city would deny a crosswalk in front of a grade school. Baker believes there is a signalized crossing at 17th Street, but he agreed to work with Fr. Sullivan in an attempt to resolve the problem.

Baker did talk with Dennis Bartels and he would not be opposed to moving Condition #1.1.1 from Site Specific to General. However, it should be noted that the decisions will be final at that point and the applicant would not have an opportunity to appeal to Council at that time.

Carlson confirmed with Baker that the right turn lane on Special Permit 1020G solves a decrease in service level at 16th and South. Baker referred to Item #7 in the Memorandum from Dennis Bartels dated April 18, 2001. We are looking at the worst condition during construction but it does not identify what the conditions will be after construction. But Bayer believes that the Public Works solution to the traffic problem is the right turn lane. Baker concurred. Carlson inquired whether Public Works is satisfied that the traffic issues are resolved with the right turn lanes. Carlson is also concerned about the conflict between the independent traffic analysis which says there is not a problem and the Public Works analysis that determined that there is a problem.

Newman suggested that instead of requiring the right turn lanes on Sumner and South now, maybe the condition could be worded such that in the future this is something that BryanLGH would be willing to contribute when traffic warrants say that it is necessary. Lewis agreed, which is similar to what was done on 48th Street. If and when there is a need for it, BryanLGH would be willing to pay the cost of construction.

Taylor was still bothered by the idea that BryanLGH is responsible for making a decision on an area that they have no control over. He requested that staff tell the Commission why they are making BryanLGH responsible for that. Rick Peo of City Law Department explained that the need and ability might require city acquisition of the land for a public street. The city believes that BryanLGH should pay the city for whatever cost there is needed to acquire land for the right-turn lane. If we are saying a right turn lane is needed, the city can acquire the land and the applicant can reimburse the city.

Following a break for staff to reach Dennis Bartels by telephone regarding the traffic studies, Ray Hill of Planning staff referred the Commission to the most recent report of the Public Works Department dated April 24, 2001 (page 220 of the agenda). This report indicates that there are some traffic delays at 16th and South Street, thus the requirement for the construction of a right turn lane between 16th and 17th Street. The city is recommending the right turn lane to solve the impact of any increased traffic. Public Works has studied both the applicant's traffic study and the city's own traffic study, resulting in the recommendation for the right turn lanes.

Lewis's response was that looking at what is being constructed on the east campus, BryanLGH does not see that there is any traffic impact on Sumner Street. The existing garage on Sumner is not going to be expanded. The additional parking will be put on 48th Street and that traffic is not going to circle that entire area trying to get to the corner of Sumner and 48th Street.

With regard to traffic during construction, Lewis advise that BryanLGH will be bussing employees during the construction project from outlying sites.

In regard to the right turn lane on South Street between 16th and 17th, Lewis questions where the traffic bottleneck is—he suggests it is at 16th and South and not 17th. If you put a right turn lane to encourage people to go south on 17th, you will run them right by the church school facility. In regard to the comments that BryanLGH should be responsible for not only paying the cost of constructing the right turn lanes, but also bringing some sort of negotiations forward to try to acquire the property and eliminate a row of parking for SunMart and eliminate their sign, Lewis believes it is totally unreasonable. If it is finally determined to go ahead and build the right turn lanes, BryanLGH would agree to pay the cost of construction only, but not the costs of property acquisition. BryanLGH will sign an agreement to pay the costs of construction for the two right turn lanes if it is determined that they are the appropriate thing to do; however, BryanLGH does not believe these lanes are necessary.

Bayer inquired about the access to the two businesses on the corner of 15th & South during construction. Mehlhaff stated that the applicant is working with the construction manager. One of the things they typically do is create a set of standards to appropriately direct the flow of materials and vehicles into the site. It will be their intent to contain the traffic as much as absolutely possible to that site within the boundaries of the site. The driveways will not be blocked.

Carlson noted that the staff report (based on the Public Works comments) indicates that at some point in the future the left turn motion on the east campus be prohibited. Lewis stated that Bryan is prepared to make that notation on the drawing.

Public hearing was closed.

SPECIAL PERMIT NO. 1219J

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, with amendments deleting Conditions #1.1.7 and #3.3 and moving Condition #1.1.1 from "Site Specific" to "General", seconded by Schwinn.

Newman agrees that Sumner has absolutely nothing to do with the traffic that is going to increase. If there is an increase in traffic, the problem will be at Cotner and at 48th and she does not believe a right turn lane is going to do anything.

Carlson moved to amend to add a condition requiring that a note be added to the plan indicating that BryanLGH recognizes that some day there would be the possibility of closing the left turn lanes. Carlson withdrew his motion.

Newman thinks it is a very, very attractive facility. She is glad it is going up instead of out.

Carlson believes the design looks good and he understands the health care concern. But, he is making judgment on the information before him and he will be voting in opposition because he thinks it needs to go back and he needs more information.

Schwinn agreed with Newman. We don't see any neighbors here today like we have in the past. He was on the campus just last week and was very pleased with the way it looks and he appreciates everything they have done.

Bayer was involved in health care in this community previously, and Lincoln is blessed to have two tremendous major health care carriers. He continues to applaud them. We have a recommendation from the Planning Department and often times the Commission has to make decisions based on the staff analysis.

Motion for conditional approval, with amendments, carried 8-1: Duvall, Taylor Newman, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'; Carlson voting 'no'.

SPECIAL PERMIT NO. 1020G

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, with amendments deleting Conditions #1.1.7 and #3.3 and moving Condition #1.1.1 from "Site Specific" to "General", seconded by Schwinn.

Hunter lives in the south part of town--she travels up 13th and turns left on South and there is huge congestion between 13th and 16th. She is quite mystified by the turn lane that comes in front of SunMart--the east side of the SunMart parking lot is always empty. It almost seems like the turn lane is there for a purpose but no one knows what it is. She is very concerned about the traffic congestion. An oncology center is going to become a bigger and bigger use type center and with the lack of improvement that has gone on on South Street to begin with, additional traffic is a real concern to her with the new facilities and the additional uses. She is not sure she grasps the situation of the right turn lane other than the fact that it may take some of the traffic going into SunMart and BryanLGH off of the traffic going eastbound. She

believes the expansion is great because this campus does need to be improved, but she does have concerns about the impact on the area.

Carlson agreed with Hunter. He believes this probably is a facility in need of expansion, but the best design becomes a bad design if the infrastructure doesn't support it. He is not confident there has been full enough discussion. He does not know if the right turn lane is the solution or not. He thinks this facility is sorely needed but he is not satisfied that the transportation difficulties that exist that will be compounded have been dealt with so he is not prepared to have this project move forward.

Motion for conditional approval, with amendments, carried 8-1: Duvall, Taylor Newman, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'; Carlson voting 'no'.

STREET & ALLEY VACATION NO. 01007

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Schwinn moved to find the street vacation to be in conformance with the Comprehensive Plan, with conditions of approval as set forth in the staff report, seconded by Duvall and carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'.

STREET & ALLEY VACATION NO. 01006

TO VACATE THE EAST-WEST ALLEY BETWEEN

18TH AND 19TH STREETS ON "O" STREET.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer.

Planning staff recommendation: A finding of conformance with the Comprehensive Plan with conditions of approval.

Jason Reynolds of the Planning staff submitted a letter from Richard Hedrick in opposition.

Proponents

1. Jerry Nelson with Thompson Realty Group presented the application. Thompson Realty is seeking the vacation of the alley to ease some building code requirements. They are seeking to renovate the old DuTeau building on 1800 "O" Street. They do not have specific plans drawn at this time. There is common ownership of the entire block.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Duvall moved to find the alley vacation to be in conformance with the Comprehensive Plan with the conditions of approval as set forth in the staff report, seconded by Schwinn and carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'.

SPECIAL PERMIT NO. 1909

TO PERMIT TEMPORARY STORAGE OF

CONSTRUCTION EQUIPMENT AND MATERIALS

ON PROPERTY LOCATED AT 5400 SO. FOLSOM STREET.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer.

The Clerk submitted a written request from the applicant for an additional two-week deferral to work with the Yankee Hill Neighborhood Association.

Proponents

1. **Craig Strong** appeared on behalf of the applicant. The applicant is making a good faith effort to come up with alternatives to resolve the issues with the Yankee Hill Neighborhood Association. Strong requested a four week deferral until May 30th.

Schwinn moved to defer four weeks, with public hearing and administrative action scheduled for May 30, 2001, seconded by Hunter and carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'.

There being no further business, the meeting was adjourned at 3:10 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 18, 2001.